

United States District Court
NORTHERN DISTRICT OF ILLINOIS
Eastern DivisionUnited States Plaintiff
v.

Daniel Hill Defendant

FILEDJUL 31 2008 Motion To Limine Regarding Other Crimes and Other
JUL 8 1 2008 BAD ACTS AND BRIEF IN SUPPORTMICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Com now Daniel Hill pro se under necessity and respectfully
and Humbly moves this court to enter an order granting the
below listed motion.

This motion is based upon the instant motion, the statement
of facts (those facts were based upon Government reports
heretofore provided to date, and would be subject to amplification
and/or contradiction at an evidentiary hearing) and memorandum
of authorities, the files and records in the above entitled cause
and any and all matters that may be brought to this court's
attention prior to or at the time of the hearing of these matters.

In United States v. Shackleford, 738 F 2d 776 (7th Cir 1984)
citing 2 J. Weinstein and M. Burger, *supra*, paragraph 404.03 footnote omitted, said a defendant cannot be identified as a perpetrator
of the charged acts simply because he has ~~done~~ at other times committed
the same commonplace variety of criminal acts except by reference
to the forbidden inference of propensity. The question for the court
is whether the characteristics relied upon are sufficiently
idiosyncratic to permit the inference of pattern for the purpose of
proof".

The Government must come forward and meet its ~~burden~~,
burden of proof and show the reliability of this "evidence"

before the court can make an appropriate evaluation. Once it does Daniel Hill is satisfied that it will fail in its effort, Daniel Hill wishes to be tried on the facts of this case and not on other "events" that lack credibility, proof, reliability, and inherent relevance. The stakes are far too high to permit anything less. Without such "evidence" the Government may have a far more difficult time in proving its case, and that is ~~why~~ why it is seeking to bolster its allegations.

The Ninth Circuit Court of Appeals has recently re-affirmed that other acts evidence is guilt or innocence of the accused must be established by evidence relevant to the particular offense being tried, not by showing that the defendant has engaged in other acts of wrong doing. United States v. Mayans 17 F.3d 1174 (9th Cir. 1994).

Conclusion III

Based upon the foregoing, Daniel Hill respectfully requests this honorable court to enter an order precluding the Government from offering evidence of any other events other than those charged in the indictment.

Submitted respectfully

D.O.H.

Daniel Hill